



CLOSED CASE SUMMARY

ISSUED DATE: JULY 19, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0037

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained - Inconclusive

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged Named Employee #1 (NE#1) acted unprofessionally by demanding to search the Complainant for weapons while she received medical aid. It was also alleged that NE#1 unsafely operated his police vehicle while using his phone. The Complainant also alleged that Named Employee #2 (NE#2) was rude, judgmental, and livid when the Complainant went to the North Precinct's front desk to inquire about her impounded property.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA reviewed the Complainant's professionalism allegation against NE#1, that he stood over her gripping his gun, and arguing with Seattle Fire Department (SFD) personnel about whether he could search the Complainant. OPA reviewed the body-worn video (BWV) for this incident and determined the allegation was unfounded. OPA returned the allegation to the chain of command to be handled as an FYI Supervisor Action. See OPA Internal Operations and Training Manual, section 5.4(B)(ii) ["OPA may issue an "FYI" Supervisor Action for a complaint deemed unfounded through the intake investigation that does not meet the criteria to be closed as a Contact Log."]

During its intake investigation, OPA observed a potential policy violation by NE#1 concerning Seattle Police Department (SPD) emergency vehicle operations unrelated to this complaint. When OPA reviewed BWV associated with this complaint, OPA observed NE#1 making a personal video call while NE#1 operated his police vehicle. This allegation was returned to the officer's chain of command to be processed as a Supervisor Action. Supervisor Actions are training-focused rather than disciplinary. In general, they are used to address a performance issue or minor policy violation that does not warrant a full investigation.

Because both allegations against NE#1 were processed as Supervisor Actions, only one allegation against NE#2 is outstanding. This DCM addresses the remaining allegation against NE#2.

The Seattle Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.



SUMMARY OF INVESTIGATION:

During its investigation, OPA reviewed the OPA complaint, incident report, BWV, and security camera video. OPA also interviewed the Complainant and NE#2.

A. Incident Report

Witness Officer #1 (WO#1) was the primary officer who wrote the incident report. According to WO#1, on January 16, 2023, WO#1 was dispatched to a collision. Dispatch noted there were two guns found at the scene. Upon WO#1's arrival, WO#1 was advised by witnesses that two people on a motorcycle—the Complainant and her husband (Community Member #1 or CM#1)—were driving northbound on Aurora Avenue North. Witnesses informed WO#1 there was a collision between a motorcycle and another vehicle that was in the center lane facing south and turning left. The impact caused the motorcycle, the Complainant, and CM#1 to disperse. WO#1 did not cite anyone involved in the collision, specifying in his incident report that “both parties could be potentially at fault” because witness accounts suggested the Complainant and CM#1 sped and the driver in the center lane was obligated to safely turn left.

WO#1 also noted a witness saw a firearm in a holster on CM#1's waistband and another firearm on the ground next to where the Complainant was lying. The witness collected both firearms and provided them to another officer, who took possession of the firearms. Because the Complainant and CM#1 were severely injured from the collision, Seattle Fire Department (SFD) medics transported them to a hospital. WO#1's investigation into both the Complainant and CM#1 led him to believe he had probable cause for unlawful carrying of a pistol under Seattle Municipal Code 12A.14.140.

B. Body-Worn Video

OPA reviewed BWVs associated with this incident. NE#1 was partnered with Witness Officer #2 (WO#2). Both officers responded to the collision in one police vehicle. NE#1's BWV captured several witnesses giving their accounts about the collision, which were consistent with the details described in WO#1's incident report. Moreover, NE#1's BWV showed NE#1 wanting to frisk both the Complainant and CM#1 for weapons. NE#1 did not frisk CM#1 because SFD medics apparently cleared CM#1. NE#1 briefly frisked the Complainant's waist but then discontinued as SFD medics were treating her. WO#2's BWV showed WO#2 securing both firearms in a police vehicle.

C. OPA Interviews

OPA interviewed the Complainant. The Complainant gave her account of how the collision occurred. The Complainant had complaints against two different officers. First, the Complainant took issue with what she believed was NE#1's unprofessional attempt to try to frisk her. This allegation was resolved through an FYI Supervisor Action. Second, the Complainant took issue with what she believed was NE#2's unprofessional remarks when she went to the front desk of the North Precinct a few days after the collision.

The Complainant said on January 20, 2023, at around 1 p.m., she visited the North Precinct to inquire about the impounded motorcycle, helmets, and firearms. The Complainant said the officer working the front desk—NE#2—treated her rudely and was “livid” after he read the incident report. The Complainant said when she asked for the helmets, NE#2 asked why she would need them back and said the helmets were probably mutilated after the



Complainant and CM#1 went 60 m.p.h. and caused an accident. The Complainant said she asked for a watch commander or a sergeant, but NE#2 said he would not let the Complainant talk to anybody. The Complainant said she observed NE#2 was not wearing a BWV during their interaction. The Complainant also said she called back later in the day hoping to speak with somebody else about her belongings, but she talked to NE#2 again, who berated her. The Complainant said she rear-ended someone while NE#2 was yelling at her and telling her that he would not let her talk to anybody.

OPA interviewed NE#2. NE#2 said the Complainant visited the North Precinct on January 20, 2023, at around 1:15 p.m. NE#2 said the Complainant wanted her firearms returned and repeatedly insisted she and CM#1 were carrying their firearms legally on the day of the collision. NE#2 said he felt the Complainant pressured him to agree with her, but NE#2 explained he was not at the scene, so he was unfamiliar with whatever decisions were made. NE#2 said the Complainant reacted negatively when he did not validate the Complainant's opinion regarding her belief that she was legally carrying a firearm that day. NE#2 said the conversation did not escalate into an argument and did not believe the Complainant was personally upset with him. NE#2 said he told the Complainant their firearms were not at the precinct and advised her to contact the evidence unit. NE#2 also said he may have told the Complainant that she and CM#1 would likely need new helmets because they were likely damaged from the collision.

NE#2 said the Complainant called the precinct later that day. NE#2 said he essentially provided the same information to the Complainant over the phone as he did when the Complainant visited the precinct. NE#2 said the call was not recorded. NE#2 also said he typically did not record an interaction with a community member at the front desk unless there was potential police action, such as taking a report or encountering a volatile situation.

NE#2 denied making disrespectful or contemptuous comments during his interaction with the Complainant. NE#2 denied making any judgments about the Complainant's conduct on the day of the collision. NE#2 said he acted professionally throughout his interaction with the Complainant, even though he elected not to agree or disagree with her.

OPA did not find any BWV showing NE#2's interaction with the Complainant at the North Precinct.

ANALYSIS AND CONCLUSIONS:

Named Employee #2 - Allegation #1

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

The Complainant alleged NE#2 was rude, livid, and judgmental.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. SPD Policy 5.001-POL-10. Additionally, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." *Id.* Furthermore, the policy states: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." *Id.* Lastly, the policy states that Department employees, while on duty or in uniform, will not publicly ridicule: "the Department or its policies, other Department employees, other law enforcement agencies, the criminal justice system or police profession. This applies where such expression is defamatory, obscene,



undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.” *Id.*

Here, the Complainant said NE#2 was rude, judgmental, and livid when the Complainant inquired about her seized firearms. The Complainant also said NE#2 belittled her. NE#2 denied these allegations, saying that the Complainant repeatedly sought validation of her perspective of the incident and that he neither agreed nor disagreed with her. NE#2 also asserted he did not have an opinion because he was not at the scene of the collision. OPA cannot adequately evaluate this allegation without further evidence. Because there is no other evidence—like BWV—that could corroborate either account, OPA cannot conclude one version is more accurate than the other.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**